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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
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23850	7590	06/16/2003			
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1725 K STF SUITE 1000	•	,	KRISHNAN, GANAPATHY		
WASHINGTON, DC 20006				ART UNIT	PAPER NUMBER
				1623	
				DATE MAILED: 06/16/2003	18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No.   Applicanties   Art Unit   Ganagethy Krishnan   1623   Ganagethy Kris									
Examiner   Canapathy Krishnan   1623   Canapathy Krishn	•	Application No.	Applicant(s)						
Ganapathy Krishnan   1623  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentacios for time rey be switched and the provision of 37 CFR 1.78(s). In no event, however, may a reply be timely filed  Edentacios for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above, the maximum statutory period will pay and will septe (s) (6) MONTHS from the mailing date of this communication of the period for reply with by statutory, the mailing date of this communication.  Failure to reply within the set or extended period for reply with by statutor, grouply and will septe (s) (MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply with by statutor, grouply and will septe (s) (MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply with by statutor, grouply and will reply still (MONTHS) from the mailing date of this communication.  Failure to reply within the set or extended period for reply with by statutor, grouply and will reply still (MONTHS) from the mailing date of this communication.  Failure to reply within the set or extended period for reply with by statutor, grouply and will reply to the source Adaptive the mailing date of this communication.  The proposition of Claims  A) This action is FINAL.  2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-4 and 6-21 is/are replected under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Claim(s) 1-4 and 6-21 is/are enjoint or expension from consideration.  Failure to reply security	Office Action Comments	09/926,005 NODA ET AL.							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the proxima of 37 CFR 1.39(a). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication.  If NO period for reply is spellated above, the maximus or advantage of the communication.  If NO period for reply is spellated above, the maximus proximal apply and with expits X(6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by shaker, cause the application to accome ABANDONED (35 U.3.C. § 133).  Any ways received by the Office and when three merinal safeth the mailing date of this communication, even if timely filed, may reduce any  Status  1) Responsive to communication(s) filled on	Office Action Summary	Examiner	Art Unit						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherisms of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a raply be limitly filled  ### the partied for reply specified above is less than thirty (30) stay, a reply within the statutory minimum of thirty (30) stay, a reply within the statutory minimum of thirty (30) stay, a reply within the statutory minimum of thirty (30) stay, a reply within the statutory minimum of thirty (30) stay, a reply within the statutory minimum of thirty (30) stay, a reply within the statutory of the statutory and statutory provided for reply specified above, the maximum statutory partied with application to become ABANDONED (35 U.S.C. § 135).  **Fallow to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 135).  **Any teply removed by the Office and be then there imminished set the the making date of this communication, even if timely filed, may reduce any  **Any teply removed by the Office and be then the seminished set the the statutory minimum of the seminary statutory.**  **Status**  1)		pears on the cover sheet with the c	orrespondence address						
2e) ☐ This action is FINAL. 2b ☐ This action is non-final.  3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ☐ Claim(s) 1-4 and 6-21 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 ☐ Claim(s) is/are allowed.  6 ☐ Claim(s) is/are allowed.  6 ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9 ☐ The specification is objected to by the Examiner.  10 ☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11 ☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12 ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)☐ All b)☐ Some * c)☐ None of:  1.☐ Certified copies of the priority documents have been received.  2.☐ Certified copies of the priority documents have been received in Application No  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute  - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timy within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).						
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	<u> </u>	* *							
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s).	Attachment(s)		•						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) D Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 Notice of Informal P							

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## **DETAILED ACTION**

The amendment (Paper # 13/C) filed April 10, 2003, has been received, entered into record and carefully considered. The following information provided in the amendment affects the instant application:

- 1. Claim 5 has been cancelled.
- 2. Claims 1, 6, 7 and 18 have been amended.
- 3. Remarks have been presented, drawn to:
- a) 102(b) rejections
- b) 112 first paragraph rejections regarding enablement for prevention of enterotoxin type bacterial infection.
- 5. Claims 1-4 and 6-21 are pending.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-8 and 10-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozhon et al (WO 98/16111) is being maintained for reasons of record.

Applicants' arguments have been considered but are not found to be persuasive.

Claims 1-4 and 6-18 are drawn to compositions comprising proanthocyanidin which has been purified to a tetramer or higher fraction and Claims 18-21 are drawn to method of treatment of infectious disease wherein the disease is cholera, botulinus or

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traveler's diarrhea. What the said composition is used for or how the proanthocyanidin is purified or the source of the proanthocyanidin is not given patentable weight. The method of treatment of the said disease as instantly claimed is also disclosed in the prior art of record. Here again how the proanthocyanidin in the composition used in the said method is purified is not given patentable weight.

## Claim Rejections - 35 USC § 112

In view of the applicants amendment to Claim 18 the enablement rejection advanced for this claim under 35 U.S.C.112 first paragraph is withdrawn.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathy Krishnan whose telephone number is 703-305-4837. The examiner can normally be reached on 8.30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 703-308-4624. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1235.

GK June 13, 2003 JAMES O. WILSON ASORY PATENT EYAMH

TECHNOLOGY CENTER 1600